

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TALMADGE MILLER

PLAINTIFF

v.

CIVIL ACTION NO. 3:03CV1368LS

**JOHNSON & JOHNSON and
CENTOCOR, INC.**

DEFENDANTS

ORDER GRANTING DISMISSAL WITHOUT PREJUDICE

THIS CAUSE CAME before the Court for a pretrial conference on April 10, 2006, counsel for the parties having appeared, and after being fully advised of the premises, the Court hereby orders and adjudges that:

1. The action is dismissed without prejudice, with each side bearing its own costs;
2. The jury trial set for the term commencing on May 15, 2006, is stricken from the calendar; and
3. The statute of limitations shall be tolled for ninety (90) days from the date this order is entered to allow plaintiff, if he so chooses to do so, additional time to retain counsel and refile the action.

SO ORDERED AND ADJUGED this the 11th day of April 2006.

/s/ Tom S. Lee
UNITED STATES DISTRICT COURT JUDGE